

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)
) Case No. 14-34022-gmh
DONALD E. IGLINSKI,) Chapter 13
)
Debtor.)

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Donald Iglinski has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Nathan E. DeLadurantey
DeLadurantey Law Office, LLC
735 W. Wisconsin Avenue, Suite 720
Milwaukee, WI 53233

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 - A. the Debtor;
 - B. the Chapter 13 Trustee (post-confirmation modifications only);
 - C. the holder of an unsecured claim (Name:) (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
 - A. post-confirmation;
 - B. pre-confirmation (Select i. or ii.);
 - i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (L.R. 3015(b)); or
 - ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are:
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: Apply excess proceeds from the sale of the Debtor's 2011 Ford F-150 towards the amount due to the plan representing one-half of the debtor's 2014 net tax refund and return the rest to the debtor.
4. The reason(s) for the modification is/are: The debtor has not yet turned over one-half of his 2014 net tax refund as required by his Chapter 13 plan; thus, instead of having the Trustee send him the exempt proceeds from the equity in his 2011 Ford F-150, and then sending the money back to the Trustee to account for one-half of 2014 tax, he prefers that the Trustee simply apply the proceeds from Ford Motor Credit Company to the amount owed for tax refunds and simply send him the balance.
5. Select A. or B.
 - A. The Chapter 13 Plan confirmed or last modified on April 7, 2015, is modified as follows:
 - i. **The debtor surrendered his interest in a 2011 Ford F-150 to Ford Motor Credit Company. After selling the F-150 and paying off the lien, Ford Motor Credit realized approximately \$1200 in excess proceeds, which it has turned over to the Trustee. These excess proceeds shall be applied to the amount due to the plan for one-half of the debtor's 2014 net tax refund (\$945). The excess, exempted proceeds shall be returned to the debtor.**

B. _____ The unconfirmed Chapter 13 Plan dated __ is modified as follows:

(A)

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

I, Nathan E. DeLadurantey, attorney for debtor, Donald Iglinski, certify that I have reviewed the modification proposed above with the debtor, and that the debtor has authorized me to file it with the court.

/s/ Nathan E. DeLadurantey

August 19, 2015

Counsel for the debtors

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: August 19, 2015.

DeLadurantey Law Office, LLC
Attorneys for Debtor

/s/

By: Nathan E. DeLadurantey
State Bar No. 1063937

Drafted by:
Daniel T. Beasley
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735 W Wisconsin Ave., Suite 720
Milwaukee, WI 53233
(414) 377-0515; Fax (414) 755-0860
dan@dela-law.com

A copy of the foregoing Notice and Request to Modify Chapter 13 Plan was filed electronically on August 19, 2015, with:

Clerk, U.S. Bankruptcy Court
517 East Wisconsin Avenue
Milwaukee, WI 53202

Copies of the foregoing were mailed, or sent electronically to parties who accept electronic service, on August 19, 2015:

Office of the U.S. Trustee
517 East Wisconsin Avenue, #430
Milwaukee, WI 53202

Rebecca R. Garcia
Chapter 13 Trustee
P.O. Box 3170
Oshkosh, WI 54903

Creditors listed on the attached mailing matrix

/s/Ethan Webb, legal assistant